

420 CITATION RELEASE

420.1 PURPOSE AND SCOPE

State law permits law enforcement agencies to use citation/summons release or a penalty assessment notice procedure in lieu of taking a person into custody and before a judge for traffic, misdemeanor or petty offenses, with certain exceptions.

420.2 STATUTORY REQUIREMENTS

This department authorizes citation releases for certain traffic, misdemeanor or petty offenses. Release by citation with a promise to appear can be accomplished by issuing a notice to appear from a citation book or an electronic device (Sup. Ct. Rule 33.01(a); Sup.Ct. Rule 37.15(a); § 300.580, RSMo; § 544.045, RSMo; § 544.170, RSMo).

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department, except in cases of hot or fresh pursuit, while following up on crimes committed within the City, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer pursuant to the Off-Duty Law Enforcement Actions Policy.

Officers are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and minor criminal violations when appropriate.

420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with the law.

420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 17 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present.

420.3.2 DEPARTMENT RELEASE

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the department.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless the person is disqualified for other reasons listed below.

420.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor should be released on a notice to appear. However, if one of the following situations is present, an officer should take the subject into custody:

1. The person is reasonably believed to be an alien unlawfully present in the United States (§ 544.470.2, RSMo).
2. There is a reasonable likelihood that the offense or offenses would continue or resume or that the safety of persons or property would be imminently endangered by the release of the person arrested.
3. There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.
4. The person does not have adequate proof of identification to verify their identity to be issued a citation.
5. The crime involves domestic violence.
6. The crime involves violence or dangerous weapons/firearms.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release should be noted in the report for inclusion with the case file in the Records Unit.

420.4 JUVENILE CITATIONS

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and minor misdemeanor ordinance violations.

All applicable traffic related misdemeanor violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred to the Investigation Unit, if necessary, for further investigation and diversion or forwarded to the prosecutor.

420.5 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. However, most state statute sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.